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THE ATTITUDE OF ORGANIZED LABOR TOWARD THE CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT

BY A. B. GARRETSON,

President, Order of Railway Conductors of America.

To intelligently consider whether or not the Canadian Industrial Disputes Investigation Act can be successfully transplanted into the American labor field it is necessary to take into consideration its origin, the road which it has traveled and the result where used.

The act had its origin in the Australasian region, where every influence that entered into its acceptance and application was strongly pro labor, where labor government controlled, where the courts were strongly sympathetic, and where every agency entering into its exercise operated to bring out the equities of the act. Transplanted into a somewhat different form of governmental machinery, it did not develop the elements of value which characterized its uses in the region where it had its birth, and instead of mitigating the evils which it was designed to remedy, it only succeeded in breeding an almost universal distrust of, and contempt for, legal machinery designed to settle troubles that should be settled between the parties thereto.

Any condition which breeds in the minds of large bodies of men contempt for law is, in itself, the very essence of all that is pernicious and no one thing is more subversive of good government than the enactment of laws which produce this result. Since the enactment of this law in Canada, had legal action been taken against every violator of its provisions, it would be shown that it has been an active element in creating an army of law-breakers, and when men violate a law with knowledge and impunity, that of itself begets a condition which operates strongly against respect for law.

It has been demonstrated time and again (and out of this demonstration grows the attitude of the laborers toward the act) that the compulsory period provided for investigation, during which men must remain at work, is almost invariably utilized by the em-

ployer, regardless of the spirit or letter of the act, to reinforce himself against the efforts of his men to better their condition and, at the end of the period, he coolly repudiates the finding of the commission, whatever it may be, and proceeds to operate his plant, regardless of the cessation of labor on the part of his men, whom he has used the time to replace, thereby demonstrating to men in general that the machinery of the law is to be utilized as a weapon to defeat the contentions of the men who labor, regardless of how just may be the claim which they put forward on their own behalf.

Industrial unrest, in all its phases, is augmented and added to every time that a man who in any degree possesses it has his beliefs strengthened that governmental agencies are not only created but administered as an aid to the man who employs him; that laws first are enacted for the benefit of the employer, and second, that they are administered by courts and tribunals, supported by, and prejudiced in favor of, the employing class; third, that governmental and municipal forces, city, county and state, also spring from, are affiliated with, supported and influenced by, that same class, and that every form of military agency, from city police and township constable to state militia and regular soldiers, is utilized, not as an impartial or neutral agency to maintain peace but as an economic weapon to be availed of solely by one interest and at the expense of the other.

Therefore, in the minds of the Canadian laboring men, the Industrial Disputes Act has been classed, from their experience therewith, among these agencies and the temper of Canadian laboring men thereto is shown by the fact that the Dominion Trade and Labor Congress, assembled last month, almost unanimously denounced the act as absolutely undesirable and demanded its repeal.

The railway brotherhoods are almost the only large class of employes who, in the Dominion, have scrupulously conformed to the provisions of this act and they have done this at an immense disadvantage to themselves.

To illustrate what the working of this act would have been had it been effective on this side of the line in the late controversy between the railways and their employes over the eight-hour question: In 1910 the Order of Railway Conductors and the Brotherhood of Railroad Trainmen had under way a wage movement covering what is known as Eastern Association Territory, this com-

prising all the railways of the continent east of Chicago, Duluth and the Mississippi River and north of the Ohio, a total of some eighty railroads, three of which are Canadian. The railways refused to deal collectively for the territory and negotiations opened on the Baltimore and Ohio Railway about January 10. Two days after that time negotiations opened on the three Canadian railways involved, two Canadian vice-presidents of the organizations being in charge of those negotiations. The last settlement of the seventy odd railways on the American side of the line was concluded on July 19, the settlement being agreed upon on that date. At six P. M. that same date the men on one of the Canadian lines went on strike on account of the delays interposed by the managements and made possible under the Industrial Disputes Act in effect on that side. If the seventy odd roads in American territory had been subject to the provisions of a like act it would have called for the creation of over seventy investigating boards and unfinished business on the Judgment Day would have been the natural result. In the late movement for the eight-hour day this would have been multiplied by the additional number of roads involved and ten years would not have been sufficient to have disposed of the hundred odd railways involved in the eight-hour movement.

The writer is not dealing with this question from hearsay but from actual experience therewith and as an outgrowth of that experience is strongly of the belief that no weapon as potent as this Industrial Disputes Act has been devised for defeating the legitimate effort of laboring men to better their condition. It is significant that in its place of origin, New Zealand, it has recently been repudiated by large bodies of working men, who proceeded to take action regardless of the provisions thereof because it has been demonstrated to them that it contains elements greatly to their detriment.

The real difficulty in the solution of these questions lies in the fact that nearly every remedy that is offered deals only with the effect of conditions. In the treatment of industrial strife it would be well to follow the general trend of medical schools for the past century. Formerly the mission of the doctor was only to cure. In later years greater effort is given to the prevention of ills, and until this course is pursued and the cause of industrial unrest is removed it will be found that the effort to abolish the disease is without result.